

ED



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,225	01/09/2004	Todd Saldana	Saldan.T-01	8039

22197 7590 02/17/2005

GENE SCOTT; PATENT LAW & VENTURE GROUP  
3140 RED HILL AVENUE  
SUITE 150  
COSTA MESA, CA 92626-3440

EXAMINER

GRAHAM, MARK S

ART UNIT	PAPER NUMBER
----------	--------------

3711

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/754,225

Applicant(s)

SALDANA, TODD

Examiner

Mark S. Graham

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/19/04</u> . | 6) <input type="checkbox"/> Other: ____  |

Art Unit: 3711

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 8, 9, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mull '670 (Mull) in view of Brodzik et al. (Brodzik). Mull discloses the claimed device and method with the exception of the ball placements. However, as disclosed by Brodzik it is known in the art to use ball placements on such practice devices. It would have been obvious to one of ordinary skill in the art to have added such to Mull's device as well to provide a set number of locations to place a ball.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Karl. Claim 2 is obviated for the reasons explained in the claim 2 rejection with the exception of the means for attachment. However, Mull discloses that a gripping means may be provided for the post. As disclosed by Karl it is known in the art to use an attachment means on ball rebound objects to anchor them. It would have been obvious to one of ordinary skill in the art to have used such on Mull's post also to help anchor it.

Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 3 and 11 above, and further in view of Wasley. Claims 4 and 13 are obviated for the reasons set forth in the claim 3/11 rejection with the exception of the type of rebound surface. However, as disclosed by Wasley such rebound surfaces may be stretched across an open recess. It would have been obvious

Art Unit: 3711

to one of ordinary skill in the art to have used such a rebound surface with Mull's device to determine from the rebound distance whether the ball would have stayed in a cup.

Claim 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1 and 11 above, and further in view of Duffy.

Claims 5 and 14 are obviated for the reasons explained in the claim 1/11 rejection with the exception of the random spacing. However, as disclosed by Duffy it is known in the art to use random spacing to place golf balls for practice. It would have been obvious to one of ordinary skill in the art to have randomly spaced the Mull/Brodzik placements as well to provide more variety in the type of putts being attempted. Absent a showing of unexpected results the exact number of placements would obviously have been up to the ordinarily skilled artisan depending on the number of balls one wished to putt.

Claims 6, 7, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1 and 11 above, and further in view of Mazer. Claims 6, 7, and 15 are obviated for the reasons explained in the claim 1/11 rejection with the exception of the type of markings being claimed. However, as disclosed by Mazer it is known in the art to provide such markings on putting practice mats. It would have been obvious to one of ordinary skill in the art to have added such to Mull's device as well to add further interest to it.

Claims 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 9 and 11 above, and further in view of Hanson et al. (Hanson). Claims 10 and 16 are obviated for the reasons explained in the claim 9/11

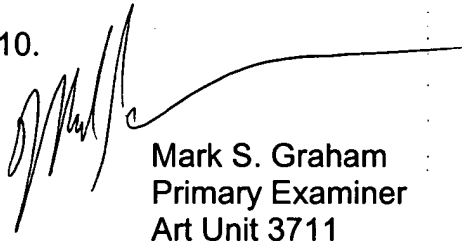
Art Unit: 3711

rejection with the exception of the use of bumps. However, as disclosed by Hanson it is known in the art to provide such under putting practice mats. It would have been obvious to one of ordinary skill in the art to have added such to Mull's device as well to add further interest to it.

Tierney, Florian, Park, Knapp, and Coles have been cited for interest because they disclose similar devices.

Any inquiry concerning this communication should be directed to Mark S. Graham at telephone number 571-272-4410.

MSG  
2/16/05



Mark S. Graham  
Primary Examiner  
Art Unit 3711